

CSD 1162 [08/22/03]

Name, Address, Telephone No. &amp; I.D. No.

**KERRY A. MOYNIHAN, #250571****MALCOLM ♦ CISNEROS, A Law Corporation****2112 Business Center Drive, 2<sup>nd</sup> Floor****Irvine, CA 92612****(949) 252-9400 (TELEPHONE)****(949) 252-1032 (FACSIMILE)****UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

**EDWARD S. PALMA and ESTRALINA N. PALMA,**

Debtors.

BANKRUPTCY NO. **10-06826-LA7****BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME  
LOANS SERVICING LP,**

and its successors and/or assignees,

Moving Party

RS NO. **KAM-1****EDWARD S. PALMA and ESTRALINA N. PALMA, Debtors,****and GREGORY A. AKERS, Trustee,**

Respondents

**ORDER ON NONCONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY**☒ **REAL PROPERTY**    ☐ **PERSONAL PROPERTY**

IT IS SO ORDERED THAT the relief sought as set forth on the continuation pages and numbered two (2) through four (4) with exhibits, if any, for a total of four (4) pages, is granted. Motion Docket Entry No. 17

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DATED:

July 28, 2010

Signature by the attorney constitutes a certification under Fed R. of Bankr. P. 9011 that relief in the order is the relief granted by the court.

*Louise Delauney Adler*  
Judge, United States Bankruptcy Court

Submitted by:

MALCOLM ♦ CISNEROS

(Firm Name)

By: /s/ KERRY A. MOYNIHAN

Kerry A. Moynihan, Attorney for Movant

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ORDER ON NON-CONTESTED MOTION FOR RELIEF FROM AUTOMATIC STAY ON REAL OR PERSONAL PROPERTY

DEBTORS: **EDWARD S. PALMA and ESTRALINA N. PALMA**

CASE NO: **10-06826-LA7**

RS NO.: **KAM-1**

The Motion of BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP ("Movant") for relief from the automatic stay having been filed with the above-entitled court on July 9, 2010, and

The Notice of Filing of a Motion for Relief from Automatic Stay (a file-stamped copy of which is attached hereto as Exhibit A or Notice of Docket Entry No. 18, if filed electronically), the Motion, and accompanying Declarations having been served upon the parties named below on July 9, 2010, and

☒ Debtors (Name): **EDWARD S. PALMA and ESTRALINA N. PALMA**

☒ Debtors' Attorney (Name): **Creig Greaves**

☒ Trustee (Name): **GREGORY A. AKERS**

☒ United States Trustee (in Chapter 11 & 12 cases), and

☒ Others, if any (Name): **BAC Home Loan Servicing, LP**

No objection or Request for Hearing having been filed by or on behalf of the Debtors, IT IS HEREBY ORDERED as follows:

The automatic stay pursuant to 11 U.S.C. Section 362 is hereby terminated for all purposes as to Movant in connection with the estate's and the debtors' interest in:

1. ☒ The following real property:

a. Street address of the property including county and state:

**2006 Mount Bullion Drive  
Chula Vista, CA 91913  
County: San Diego**

b. Legal description is ☒ attached as Exhibit A or ☐ described below:

2. ☐ The following personal property as described ☐ below or ☐ in Exhibit B attached:

IT IS FURTHER ORDERED that (Optional): **The 14-day stay pursuant to Bankruptcy Rule 4001(a)(3) is hereby waived.**

DE/BAC/m64978

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Signed by Judge Louise DeCarl Adler July 28,2010

EXHIBIT "A"

PARCEL 1:

AN UNDIVIDED 1/21ST FEE SIMPLE INTEREST AS A TENANT IN COMMON IN THE BUILDING ENVELOPE IN WHICH THE RESIDENTIAL UNIT IS LOCATED AS SHOWN AND DEFINED ON THAT CERTAIN CONDOMINIUM PLAN OF WINDCHIME, PHASE 1, RECORDED DECEMBER 3, 2004 AS FILE NO. 2004-1142495, OF OFFICIAL RECORDS ("CONDOMINIUM PLAN") WHICH IS SITUATED WITHIN LOTS 41 AND 44 OF CHULA VISTA TRACT NO. 02-05, OTAY RANCH VILLAGE 6 UNIT 1, NEIGHBORHOOD R-9A UNIT NO. 2 AND R-9D, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14641 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 6, 2003 OF OFFICIAL RECORDS, EXCEPTING THEREFROM ALL RESIDENTIAL UNITS SITUATED WITHIN THE BUILDING ENVELOPE AS SHOWN AND DEFINED ON THE CONDOMINIUM PLAN.

RESERVING AND EXCEPTING THEREFROM:

(A) MY AND ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, GEOTHERMAL STEAM, ANY OTHER MATERIAL RESOURCES AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE LAND CONVEYED HEREBY, TOGETHER WITH THE PERPETUAL RIGHT OF DRILLING, MINING, EXPLORING AND OPERATING THEREFORE AND STORING IN AND REMOVING THE SAME FROM SAID LAND OR ANY OTHER LAND, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN THE LAND CONVEYED HEREBY, OIL OR GAS WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE LAND CONVEYED HEREBY, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, WITHOUT, HOWEVER, THE RIGHT TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER 500 FEET OF THE SUBSURFACE OF THE LAND CONVEYED HEREBY;

(B) ANY AND ALL WATER, WATER RIGHTS OR INTERESTS THEREIN APPURTENANT OR RELATING TO THE LAND CONVEYED HEREBY OR OWNED OR USED BY GRANTOR IN CONNECTION WITH OR WITH RESPECT TO SAID LAND (NO MATTER HOW ACQUIRED BY GRANTOR), WHETHER SUCH WATER, WATER RIGHTS OR INTERESTS THEREIN SHALL BE RIPARIAN, OVERLYING, APPROPRIATIVE, LITTORAL, PERCOLATING, PRESCRIPTIVE, ADJUDICATED, STATUTORY OR CONTRACTUAL, TOGETHER WITH THE RIGHT AND POWER TO EXPLORE, DRILL, REDRILL, REMOVE AND STORE THE SAME FROM OR IN SAID LAND OR TO DIVERT OR OTHERWISE UTILIZE SUCH WATER, WATER RIGHTS OR INTERESTS THEREIN, ON ANY OTHER LAND OWNED OR LEASED BY GRANTOR; BUT WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF THE LAND CONVEYED HEREBY IN THE EXERCISE OF SUCH RIGHTS.

FURTHER RESERVING THEREFROM, NON-EXCLUSIVE AND CERTAIN EXCLUSIVE EASEMENTS FOR THE PURPOSES DESCRIBED IN THE DECLARATION REFERRED TO BELOW, INCLUDING EASEMENTS FOR ACCESS, ENCROACHMENTS, MAINTENANCE, SUPPORT, REPAIR AND OTHER PURPOSES DESCRIBED IN THE DECLARATION AND OTHER EASEMENTS OF RECORD.

PARCEL 2:

RESIDENTIAL UNIT NO. 49, AS SHOWN AND DESCRIBED ON THE CONDOMINIUM PLAN.

RESERVING THEREFROM, NON-EXCLUSIVE EASEMENTS FOR MAINTENANCE, ENCROACHMENT, SUPPORT, REPAIR, DRAINAGE AND ALL OTHER PURPOSES AND EASEMENTS OF RECORD AS DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WINDCHIME RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, ON DECEMBER 3, 2004 AS FILE NO. 2004-1142496 AND ANY AMENDMENTS THERETO.

PARCEL 3:

AN EXCLUSIVE EASEMENT OVER THE PORTION OF THE COMMON AREA AND OR ASSOCIATION PROPERTY (AS DEFINED IN THE DECLARATION) DESIGNATED AS BEING APPURTENANT TO THE RESIDENTIAL UNIT IN THE CONDOMINIUM PLAN, WHICH EASEMENT MAY INCLUDE ANY EXCLUSIVE USE YARD AREAS.

PARCEL 4:

EXHIBIT "A" (continued)

A NON-EXCLUSIVE EASEMENT, IN COMMON WITH OTHER OWNERS, FOR INGRESS, EGRESS, USE AND ENJOYMENT OVER, IN, TO AND THROUGH THE ASSOCIATION PROPERTY SHOWN ON THE CONDOMINIUM PLAN AND OVER, IN, TO AND THROUGHOUT THE ASSOCIATION PROPERTY OF THE OTHER PHASES OF THE PROPERTY DESCRIBED IN THE DECLARATION, WHICH EASEMENTS ARE APPURTENANT TO PARCELS 1, 2, 3 AND 4 DESCRIBED ABOVE, SUBJECT TO THE PROVISIONS OF THE DECLARATION.